

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

**CALLAWAY GOLF COMPANY'S MOTION  
FOR SUMMARY JUDGMENT OF BREACH OF CONTRACT**

Pursuant to FRCP 56, Plaintiff Callaway Golf Company hereby submits this Motion for Summary Judgment of Breach of Contract against Acushnet Company. For the reasons set forth in Callaway Golf Company's Brief in Support of its Motion for Summary Judgment of Breach of Contract and all supporting declarations and exhibits, Callaway Golf moves for summary judgment in favor of Callaway Golf that Acushnet breached the 1996 Settlement Agreement.

Dated: August 7, 2007

FISH & RICHARDSON P.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2007, the attached document was electronically filed with the Clerk of Court using CM/ECF which will send electronic notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on August 7, 2007, I have Electronically Mailed the document to the following person(s):

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**[PROPOSED] ORDER REGARDING CALLAWAY GOLF COMPANY'S  
MOTION FOR SUMMARY JUDGMENT OF BREACH OF CONTRACT**

AND NOW, the Court, having considered Callaway Golf Company's Motion for Summary Judgment of Breach of Contract in this case and all supporting memoranda, declarations and exhibits filed by Callaway Golf Company and Acushnet Company's opposition to the motion and all supporting memoranda, declarations and exhibits,

IT IS HEREBY ORDERED that Callaway Golf Company's Motion for Summary Judgment of Breach of Contract is GRANTED.

SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Judge